

MINUTES
TIGARD CITY COUNCIL MEETING
OCTOBER 9, 2001

- STUDY SESSION

The study session was called to order by Mayor Griffith at 6:35 p.m.

Councilors Present: Mayor Griffith, Councilors Dirksen, Moore, Patton, and Scheckla (arrived at 6:37 p.m.)

- > ADMINISTRATIVE ITEMS

City Manager Monahan reviewed several administrative items with the City Council:

- Council agreed that the workshop meeting of December 18, 2001, would become a business meeting. The Council meeting of December 25, 2001, is canceled. The first meeting in 2002 is on January 8 and business items for the Council will be scheduled.

(Note: "Administrative Items" discussion continued after the Metro Greenspaces discussion.)

- > LIBRARY SITE DISCUSSION

Information on the library site was distributed to the City Council. A copy of this information is on file in the City Recorder's office. Mr. Fred Fields owns the property identified as the favored site for the new library. Mr. Fields is waiting for appraisal information on the property before discussing the site with the City. Attorney Dom Colletta of the City Attorney's office also is obtaining information on the property. Wetlands and land use issues need to be resolved to determine what process the City should follow. An Executive Session discussion item on this matter will likely be scheduled at the October 16, 2001, City Council meeting. The City Manager recommended the model being constructed for the new library building be completed with the Fields' property as the anticipated location. Mr. Monahan noted that the building location might change.

The School District has been discussing long-term facility needs and, rather than expanding Tigard High School, the idea of a magnet school is being considered. It was suggested that the potential new library might be a good

site for the magnet school. Mr. Monahan updated the City Council with some of the needs of such a facility, which would include an area for students to be involved in media production and an environmental course of study. Discussions are still at the “germination” stage. This site is only one of several sites being discussed as potential locations for a magnet school. The estimated amount of building space needed for a magnet school is 13,000 square feet.

At this point, a magnet-school concept has not been that well received. Councilor Moore advised that he did not think it would be appropriate for the City to consider adding any suggestion of such a school to the library bond measure until the School District presents the City with something more formal. Councilor Patton noted how the concept has grown from what was initially was envisioned and, in addition, many details still need to be worked out. It was noted that this was not a proposal that was brought forth by the City – it is the School District’s concept. Another consideration is that there will be costs to maintain the facilities needed for this school. Councilor Patton noted she was hesitant to “get on the bandwagon” with the still-vague magnet school concept.

More discussion followed with regard to the School District’s review of a potential magnet school. The School District has been reviewing options for some time. Councilor Moore noted that the City might decide to consider the magnet school as a joint venture in the future.

There was discussion on the need to address the wetland issues and to determine the capability for future library expansion. Mr. Monahan noted that he would report back to the Council with more information with regard to wetland impacts at the October 16 meeting.

> METRO GREENSPACES

Mr. Monahan reviewed information distributed to the City Council with regard to Metro Greenspaces. This information is on file in the City Recorder’s office. Metro representative Jim Desmond has advised the City that there may be no consideration of properties (by Metro) for greenspace funding that were not on the original list of potential greenspace properties. Properties proposed by consideration through activities by citizens and other groups with regard to Senn, Gage, Conklin, and Stanley properties were discussed. Senn is an eligible Metro greenspace property. The Conklin and Stanley properties may have a chance to be considered for funding if proposed separately. The Gage property is not considered to be of a regional benefit and does not appear to qualify for consideration.

Mayor Griffith noted he received a call from Steve Kafoury representing Friends of Open Space of Tigard, which was supporting the Gage, Conklin, and Stanley properties. At this point, Mr. Kafoury was looking for support from the City of Tigard for his group to urge Metro to consider these three properties. City of Tigard has not been asked for any monetary contribution. The Conklin and Stanley properties are not in the City of Tigard and the Mayor indicated that the City would possibly support (as the City usually does) parks in general. Mr. Monahan noted that the Stanley and Conklin properties are located in the City's "area of interest" and the City could be supportive of the efforts for park land acquisition, but at this time, the City would have no ability to offer financial support.

Mr. Monahan reviewed the Senn property, which is near the Metzger area. Information was distributed to the City Council for its review. There is a community effort underway to raise funding and the Council may be approached by individuals for contributions. In addition, the City may be asked if it would be willing to maintain the property if the property was purchased for greenspaces. Public Works Director Wegner noted that he has looked at the property, which is wooded and has a stream. Mr. Wegner said that funds might be available from Clean Water Services to help with the purchase. At first the site will require minimal maintenance. If a parking lot were to be built, then a site plan would need to be developed. Current plans are that the property will only offer trails. There would be some expense for maintenance of the stream and the stream corridor.

There was discussion on potential City of Tigard interest in the Senn property for maintenance or an interest in an ownership stake in the property. In addition, information is needed on how much Clean Water Services would be willing to contribute for the purchase of the property.

Consensus of the Council was that staff's approach has been appropriate with regard to their response to inquiries received about the possibility of proceeding with the above-mentioned greenspace areas.

> **ADMINISTRATIVE ITEMS (continued discussion)**

- All resolutions now need to have the following wording added (if no specific effective date is cited): "This resolution is effective immediately upon passage." The Legislature recently passed a law requiring resolutions to state an effective date. All resolutions for this meeting have been revised to indicate an effective date.

- Mr. Monahan briefly reviewed that a policy on per diem allowances was proposed by resolution and submitted for Council approval on this meeting's Consent Agenda. He asked if discussion was needed separately or if the item could remain on the Consent Agenda. There was no request for a separate discussion.
- The Laptop Purchase Agreement submitted to the City Council for review at this meeting has been revised to indicate the end date of October 11, 2006. Material was distributed to the City Council for review.
- Mr. Monahan noted that there may be a potential Visitor's Agenda topic brought forward concerning the St. Anthony's Church parking waiver request. The proposed parking standards do not meet what is required. Father Sieg has suggested that the City consider waiving the fees to proceed with addressing the parking issues. Staff will review and determine whether the Code should be amended and report back to the City Council. This issue arose during a preapplication conference with representatives from the church.
- Rail Volution has been rescheduled for November 29 – December 2. Information was distributed to the City Council. Mr. Monahan noted that the Commuter Rail, at this point, is on the "back burner." He suggested that the City Council wait before it considers sending representatives to conferences such as the Rail Volution.
- Councilor Moore advised he would not be traveling to the National League of Cities Conference.
- Mr. Monahan referred to a brochure that was distributed to the City Council for the recruitment of a police captain.
- Mr. Monahan noted that he would be attending the League of Oregon Cities Conference. No City Council members planned to attend. Information on the "voting delegate" was distributed to the City Council.
- Mr. Monahan reported that Paul Hunt has submitted a letter regarding his high regard for what the City has done to improve Cook Park. Mr. Hunt also indicated his support for the proposed new library. A copy of Mr. Hunt's letter is on file in the City Recorder's office.
- Council discussed that Tualatin Mayor Lou Ogden is no longer the primary representative for the Metro Policy Advisory Committee (MPAC). Richard

*Kidd from the City of Hillsboro Forest Grove will now be the primary representative. There will be an opening for the alternate position.

- EXECUTIVE SESSION: No Executive Session was held.

Study meeting concluded at 7:34 p.m.

1. BUSINESS MEETING

- 1.1 Mayor Griffith called the business meeting to order at 7:40 p.m.
- 1.2 Roll Call: Mayor Griffith and Councilors Dirksen, Moore, Patton, and Scheckla
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None.
- 1.5 Call to Council and Staff for Non-Agenda Items: None.

2. VISITOR'S AGENDA

- Tigard High School Student Envoy Nathan Leamy
Information was distributed to the City Council and Mr. Leamy reviewed highlights of recent activities of Tigard High School students.
- Jack Polans, 16000 SW Queen Victoria, King City, Oregon, raised issues with regard to "mixing" of drinking water from several sources. He was concerned about what percentage is mixed. Councilors Patton and Scheckla noted that supplies that are received from the City of Portland are "mixed" from its resources. Public Works Director Wegner confirmed that the City of Tigard blends water and that the system cannot isolate one source from another. How much the water is blended depends on where the City buys the water and the time of year. In response to Mr. Polans' question about whether wells are located near earthquake faults, Mr. Wegner noted that the Portland Water Bureau is responsible for well location.
- Patrick Burns requested the City Council consider an amendment to the Tigard Municipal Code, Chapter 10.32.079, which would require that a parade on public property be preceded by a color guard. Mr. Burns has talked to Assistant to the City Manager Liz Newton on this subject. The City, when it requires to parade permits, is concerned with public safety. With regard to flag displays, the City relies on state or federal laws. Mr. Monahan cautioned that if the City does establish a color guard requirement as suggested by Mr. Burns, thought must be given about how this requirement would be enforced. After discussion, it was determined that staff would review the issue and report back to the City Council.

(Note: The discussion with State Representative Max Williams was held next; see Page 7.)

*Corrected 12/11/01

3. CONSENT AGENDA:

It was noted that all resolutions had been modified to indicate an effective date; agenda item 3.7 relating to per diem allowances did not require a separate discussion; and the laptop purchase agreement (item 3.7) has been revised to indicate an end date of October 11, 2006.

Motion by Councilor Moore, seconded by Councilor Patton, to approve the Consent agenda, as modified:

- 3.1 Receive & File:
 - a. Council Calendar
 - b. Tentative Agenda
- 3.2 Adjust the Fee for the Cost of Accounting and Processing of Checks Returned by Banking Institutions for Non-Payment – Resolution No. 01- 55
- 3.3 Approve Budget Amendment #5 to the Fiscal Year 2001-02 Budget to Transfer Funds to Pay an Assessment by the League of Oregon Cities for Legal Costs Associated with Qwest Franchise Fees - Resolution No. 01- 56
- 3.4 Approve Budget Amendment #6 to the Fiscal Year 2001-02 Budget to Transfer Funds from Contingency to Make a Contribution to Community Partners for Affordable Housing for the Village at Washington Square Project - Resolution No. 01- 57
- 3.5 Establish a Procedure to Grant City Sponsorship to Community Events and Replace Resolution No. 00-01 – Resolution No. 01- 58
- 3.6 Approving an Amendment to the Non-exclusive Cable Television Services Franchise Agreement Granted to TCI of Tualatin Valley, Inc., by Extending the Deadline for Construction of the Required System Upgrade - Resolution No. 01- 59
- 3.7 Approve a Policy on Per Diem Allowances for the City Council and Executive Staff when Attending National Conferences – Resolution No. 01-60
- 3.8 Local Contract Review Board
 - a. Award a Personal Services Contract to Precision Graphics for Cityscape Newsletter Printing Services
 - b. Award Contract to Provide Fuel at Captive Sites and Foreign Sites through the Use of Commercial Automated Fuel Systems to Bretthauer Oil Company
 - c. Award Contracts for Laptop Computers to ESP Technology, Sterling Computers, and Alsea Computers

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

4. TIGARD BEYOND TOMORROW VISION UPDATE

Assistant to the City Manager Newton introduced this agenda item.

Staff liaisons to each of the six target areas reviewed progress. A copy of the PowerPoint presentation summarizing highlights is on file in the City Recorder's office.

➤ DISCUSSION WITH STATE SENATOR RYAN DECKERT AND STATE REPRESENTATIVE MAX WILLIAMS

Senator Deckert was unable to attend the Council meeting.

Representative Max Williams's comments are highlighted as follows:

- The Legislative Session closed on July 7, 2001.
- School funding was increased.
- For the first time in a decade a transportation funding package was approved (\$400 million).
- Commuter rail funding was approved (lottery bond) for \$35 million.
- Funding was restored to higher education and community colleges.
- An improved, expanded childcare tax credit was approved.
- Food stamp program funding was approved.
- \$1.8 million was allocated to the domestic violence program fund.
- Oregon is entering into an economic recession. On September 1, the State was down \$300 million from previous ending fund balance estimates. There is the possibility of a special session in January and Representative Williams said he was uncertain about what will be cut. It is anticipated that it will be 2002 before the economy "turns around" and 2003 before the State coffers will realize any evidence of budget growth.
- Representative Williams noted a Constitutional challenge to use of lottery funds, and the outcome could affect the issuance of commuter rail bonds.
- Representative Williams commented on the Qwest lawsuit (local governments collecting franchise fees) against the City of Portland and advised that he had hoped for a legislative solution.
- Measure 7 remains unresolved and there is no indication when the court will issue an opinion.

5. PUBLIC HEARING – CONSIDER A RESOLUTION APPROVING A SUPPLEMENTAL BUDGET TO FISCAL YEAR 2001-2002 FOR THE PARKS SYSTEM DEVELOPMENT CHARGE FUND AND THE UNDERGROUND UTILITY FUND

- a. Mayor Griffith opened the public hearing.
- b. Finance Director Prosser presented the staff report, which is on file in the City Recorder's office.
- c. Public Testimony: None.
- d. Staff Recommendation: Approval of the proposed ordinance.
- e. Mayor Griffith closed the public hearing.
- f. Council Consideration:

RESOLUTION NO. 01-61 – A RESOLUTION APPROVING A SUPPLEMENTAL BUDGET FOR FY 2001-01 FOR THE PARKS SDC FUND AND THE UNDERGROUND UTILITY FUND.

Motion by Councilor Moore, seconded by Councilor Patton, to adopt Resolution No. 01-61.

The motion was approved by a unanimous vote of the City Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

6. CONSIDER AN ORDINANCE AMENDING CHAPTER 2.16 OF THE TIGARD MUNICIPAL CODE TO UPDATE STATUTORY REFERENCES AND CLARIFY THE POWERS OF THE MUNICIPAL JUDGE AND PRO TEMPORE MUNICIPAL JUDGE

Finance Director Prosser reviewed the staff report, which is on file in the City Recorder's office.

ORDINANCE NO. 01-14 – AN ORDINANCE AMENDING CHAPTER 2.16 TO UPDATE STATUTORY REFERENCES AND CLARIFY THE POWERS OF THE MUNICIPAL JUDGE AND PRO TEMPORE MUNICIPAL JUDGE

Motion by Councilor Scheckla, seconded by Councilor Dirksen, to adopt Ordinance No. 01-14.

The motion was approved by a unanimous vote of the City Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

7. CONSIDER:

7.1 AN ORDINANCE AMENDING SECTION 12.10.180 AND ADDING NEW SECTIONS 12.10.300, 12.10.310, 12.10.320, 12.10.330, AND 12.10.340 OF THE TIGARD MUNICIPAL CODE

Utility Manager Dennis Koellermeier presented the staff report, which is on file in the City Recorder's office. Mr. Koellermeier characterized the proposed amendments as "housekeeping" in nature.

ORDINANCE NO. 01-15 – AN ORDINANCE AMENDING SECTION 12.10.180 AND ADDING NEW SECTIONS 12.10.300, 12.10.310, 12.10.320, 12.10.330, AND 12.10.340 OF THE TIGARD MUNICIPAL CODE

Motion by Councilor Patton, seconded by Councilor Scheckla, to adopt Ordinance No. 01-15.

The motion was approved by a unanimous vote of the City Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

7.2 A RESOLUTION AMENDING THE RULES, RATES, AND REGULATIONS GOVERNING WATER SERVICE HANDBOOK

RESOLUTION NO. 01-62 – A RESOLUTION AMENDING SECTION 19 OF THE RULES, RATES AND REGULATIONS GOVERNING WATER SERVICE HANDBOOK

Motion by Councilor Moore, seconded by Councilor Dirksen, to adopt Resolution No. 01-62.

The motion was approved by a unanimous vote of the City Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

8. CONSIDER AN ORDINANCE AMENDING SECTION 2.28.020 OF THE TIGARD MUNICIPAL CODE TO REMOVE THE REQUIREMENT THAT RESERVE OFFICERS MUST BE UNDER THE AGE OF 60

Police Chief Ron Goodpaster presented the staff report, which is on file in the City Recorder's office.

ORDINANCE NO. 01-16 – AN ORDINANCE AMENDING SECTION 2.28 OF THE TIGARD MUNICIPAL CODE CHANGING SUBSECTION 2.28.020 TO REMOVE THE REQUIREMENT THAT RESERVE OFFICERS MUST BE UNDER THE AGE OF 60

Motion by Councilor Moore, seconded by Councilor Patton, to adopt Ordinance No. 01-16.

The motion was approved by a unanimous vote of the City Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

9. CONSIDER AN ORDINANCE AMENDING SECTION 10.50.080 OF THE TIGARD MUNICIPAL CODE CHANGING SUBSECTION 10.50.080 (6) PROHIBITING MOVEMENT OF OVERSIZE LOADS ON CITY STREETS BEFORE 9 AM AND AFTER 3 PM

Police Chief Ron Goodpaster presented the staff report, which is on file in the City Recorder's office. He explained that the Police Department works closely with people if there are problems. In response to questions regarding Code language for weekend activity, Chief Goodpaster clarified how some flexibility must be maintained and that the permit process protects the interests of the City.

ORDINANCE NO. 01-17 – AN ORDINANCE AMENDING SECTION 10.50.080 OF THE TIGARD MUNICIPAL CODE CHANGING SUBSECTION 10.50.080(6) PROHIBITING MOVEMENT OF OVERSIZE LOADS ON CITY STREETS BEFORE 9:00 A.M. AND AFTER 3:00 P.M.

Motion by Councilor Scheckla, seconded by Councilor Patton, to adopt Ordinance No. 01-17.

The motion was approved by a unanimous vote of the City Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

10. **CONSIDER AN ORDINANCE AMENDING CHAPTER 14.20 OF THE TIGARD MUNICIPAL CODE REGARDING MOVING OF BUILDINGS**

Building Official Gary Lampella presented the staff report, which is on file in the City Recorder's office.

ORDINANCE NO. 01-18 – AN ORDINANCE AMENDING CHAPTER 14.20 MOVING OF BUILDINGS.

Motion by Councilor Patton, seconded by Councilor Dirksen, to adopt Ordinance No. 01-18.

The motion was approved by a unanimous vote of the City Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

11. **CONSIDER AN ORDINANCE AMENDING TITLES 1 AND 2 OF THE TIGARD MUNICIPAL CODE BY ADDING NEW SECTIONS AND AMENDING EXISTING SECTIONS PERTAINING TO GENERAL GOVERNMENT AND ADMINISTRATION AND PERSONNEL**

City Recorder Cathy Wheatley presented the staff report, which is on file in the City Recorder's office.

ORDINANCE NO. 01-19 – AN ORDINANCE AMENDING TITLES 1 AND 2 OF THE TIGARD MUNICIPAL CODE BY ADDING NEW SECTIONS AND

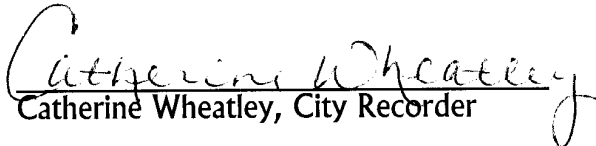
AMENDING EXISTING SECTIONS PERTAINING TO GENERAL GOVERNMENT
AND ADMINISTRATION AND PERSONNEL.

Motion by Councilor Dirksen, seconded by Councilor Scheckla, to adopt Ordinance
No. 01-19.

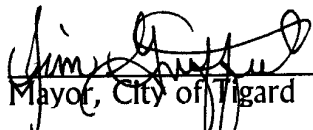
The motion was approved by a unanimous vote of the City Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

12. COUNCIL LIAISON REPORTS: None.
13. NON AGENDA ITEMS: None.
14. EXECUTIVE SESSION: No Executive Session was held.
15. ADJOURNMENT: 9:25 p.m.


Catherine Wheatley, City Recorder

Attest:



Mayor, City of Tigard
Date: 12-11-01

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